

Layne Friedrich (Bar No. 195431)
Drevet Hunt (Bar No. 240487)
Lawyers for Clean Water, Inc.
1004 O'Reilly Avenue
San Francisco, California 94129
Telephone: (415) 440-6520
Facsimile: (415) 440-4155
Email: layne@lawyersforcleanwater.com

Michelle Smith (Bar No. 233515)
Humboldt Baykeeper
422 First Street Suite G
Eureka, CA 95501
Telephone: (707) 268-0665
Facsimile: (707) 268-8901
Email: michelle@humboldtbaykeeper.org

Fredric Evenson (Bar No. 198059)
Law Offices of Fredric Evenson
William Verick (Bar No. 140972)
Klamath Environmental Law Center
424 First Street
Eureka, CA 95501
Telephone: (707) 268-8900
Facsimile: (707) 268-8901
Email: ecorights@earthlink.net

Attorneys for Plaintiffs
HUMBOLDT BAYKEEPER, and
ECOLOGICAL RIGHTS FOUNDATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUMBOLDT BAYKEEPER, a program of
Ecological Rights Foundation, and ECOLOGICAL
RIGHTS FOUNDATION, a non-profit
corporation,

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation, and NORTH COAST
RAILROAD AUTHORITY, a state agency,

Defendants.

Civil Case No.: C 06-02560 JSW

**STIPULATION TO FILE SECOND
AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF AND CIVIL PENALTIES;
~~PROPOSED~~ ORDER**

(Federal Water Pollution Control Act, 33
U.S.C. §§ 1251 *et seq.*)

(Resource Conservation and Recovery
Act, 42 U.S.C. §§ 6901 *et seq.*)

1 Humboldt Baykeeper, and Ecological Rights Foundation (hereinafter "Plaintiffs"), Union Pacific
2 Railroad Company ("Union Pacific") and the North Coast Railroad Authority ("NCRA") (jointly
3 "Defendants"), and CUE VI, LLC ("CUE VI") by and through its counsel hereby stipulate to the
4 following:

5 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for
6 the parties, subject to the Court's approval, that:

7 1. Plaintiffs will file their Second Amended Complaint, which is attached hereto as Exhibit
8 1, on January 19, 2007. By signing this stipulation, Plaintiffs do not waive their right, and specifically
9 reserve the right, to seek leave to amend to add additional defendants at a later time.

10 2. Plaintiffs will serve Defendants and CUE VI with their Second Amended Complaint the
11 same day it is filed by serving counsel for Defendants, who agree to accept service of process via
12 express mail or hand delivery.

13 3. Defendants and CUE VI will answer or otherwise respond to the Second Amended
14 Complaint on or before February 19, 2007. By signing this stipulation Defendants and CUE VI do not
15 waive any argument or defense, and Defendants and CUE VI may assert any argument or defense in
16 response to the Second Amended Complaint by motion authorized under Rule 12 of the Federal Rules of
17 Civil Procedure, or through any other available procedure.

18 Dated: January 17, 2007

Respectfully submitted,

19
20 /s/ Drevet Hunt

Drevet Hunt
Lawyers For Clean Water, Inc.
Attorney for Plaintiffs

21
22
23 /s/ Lawrence S. Bazel

24 Lawrence S. Bazel
25 Briscoe Ivester & Bazel LLP
26 Attorney for Union Pacific Railroad
27 Company
28

/s/ Lawrence S. Bazel
Lawrence S. Bazel
Briscoe Ivester & Bazel LLP
Attorney for CUE VI, LLC

/s/ Christopher Neary
Christopher Neary
Attorney for North Coast Railroad
Authority

I, Drevet Hunt, attest that the content of this document is acceptable to all persons required to sign this document.

Dated: January 17, 2007

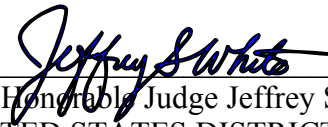
/s/ Drevet Hunt
Drevet Hunt
Lawyers For Clean Water, Inc.
Attorney for Plaintiffs

~~[PROPOSED]~~ ORDER

Based on the foregoing, and good cause appearing therefore, the Court orders that Plaintiffs shall file and serve on all parties their Second Amended Complaint on January 19, 2007. Defendants will answer or otherwise respond to the First Amended Complaint on or before February 19, 2007.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: January 18, 2007


The Honorable Judge Jeffrey S. White
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA